

In a special election, Mr. Watson was re-elected to the House as a Republican. On June 16, 1965,⁽¹⁵⁾ the House, at the request of Minority Leader Gerald R. Ford, of Michigan, permitted Mr. Watson to be sworn although his certificate of election had not arrived.

More recently, the seniority of Democratic Member John R. Rarick, of Louisiana, was reduced by action of the caucus. Mr. Rarick, who had refused to support his party's Presidential candidate in 1968, was for that reason assigned a lower rank on the Committee on Agriculture than he would otherwise have had.⁽¹⁶⁾

1965 (111 CONG. REC. 1452, 89th Cong. 1st Sess.); such communications, signed by Mr. Watson, stated in part that, "It now clearly appears that the Governor intends no affirmative action on this matter. Therefore . . . I have this day transmitted to him my resignation effective upon the adjournment of the House on Monday, February 1, 1965."

15. See 111 CONG. REC. 13774, 89th Cong. 1st Sess.

16. See the resolution assigning Democratic Members to standing committees of the House at 115 CONG. REC. 2083, 91st Cong. 1st Sess., Jan. 29, 1969. For discussion of departures from the seniority rule in both the House and Senate, frequently for purposes of imposing the party's discipline, see *Congressional Quarterly's Guide to the Congress of the United*

In each of the above instances, the party's discipline was imposed on a Member for his opposition to the party's Presidential candidate. Cannon cites an instance⁽¹⁷⁾ wherein Republican Members were disciplined by removal from committees or reduction in committee rank for their failure to abide by the action of their party caucus with respect to matters under consideration in the House. It should be noted, however, that the discipline in this case was imposed by the Speaker of the House at a time when the Speaker made appointments to standing committees.

§ 10. —Policy Determination; Party Decisions as Binding

[Note: The following is descriptive of the practices in some Congresses. For discussion of current

States, Congressional Quarterly Service (Washington, D.C., 1971), pp. 171, 172. See also the discussion of caucus action, taken in the 90th Congress, whereby Mr. Adam Clayton Powell, Jr. (N.Y.) was divested of a committee chairmanship on various grounds (113 CONG. REC. 22, 90th Cong. 1st Sess., Jan. 10, 1967 [remarks of Mr. James C. Wright, Jr., of Texas]).

17. See 8 Cannon's Precedents § 3606.

practices that may differ in some particulars from those stated, see supplements to this edition as they appear.]

The party caucus or conference develops party positions with respect to specific issues. Thus, a consensus may be reached in the caucus or conference with regard to legislation or rules changes currently under consideration, or desired to be presented for consideration, by the House or committees in the House. Party leaders and other members are thus advised of the party's sentiment on particular issues, and actions may be authorized in the House based on the decisions of the caucus or conference.⁽¹⁸⁾

As an example of how a caucus decision may be reflected in action taken in the House, a view adopted by the Democratic Caucus with respect to certain committee procedures was incorporated in a resolution introduced to the House in the 92d Congress. A resolution ex-

pressing the sense of the Democratic Caucus⁽¹⁹⁾ stated, in part,

Resolved, That it is the sense of the Democratic Caucus that . . .

9. All committees shall provide in their rules of procedure for the application of the 5-minute rule in the interrogation of witnesses until such time as each member of the committee who so desires has had an opportunity to question the witness.

The above provision was incorporated in a resolution introduced in the House on Jan. 21, 1971.⁽²⁰⁾ The same House resolution reflected another paragraph of the caucus resolution,⁽¹⁾ containing a recommendation "that the Select Committee on Small Business be made a permanent select committee of the House without legislative jurisdiction except to make investigations and reports."

A Democratic Caucus Rule provides:⁽²⁾

7. In deciding upon action in the House involving party policy or principle, a two-thirds vote of those present and voting at a caucus meeting shall bind all members of the caucus; provided, the said two-thirds vote is a ma-

18. For remarks indicating that particular resolutions were offered "by direction of the . . . caucus" or "under instructions of the . . . caucus," see for example, 117 CONG. REC. 132, 92d Cong. 1st Sess., Jan. 22, 1971 (remarks of Mr. William M. Colmer [Miss.]); and 111 CONG. REC. 23, 89th Cong. 1st Sess., Jan. 4, 1965 (remarks of Mr. Carl Albert [Okla.]).

19. See Democratic Caucus Rules (July 20 1971), addendum, paragraph 9.

20. See H. Res. 5 at 117 CONG. REC. 14, 92d Cong. 1st Sess.

1. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 11.

2. Democratic Caucus Rules (July 20, 1971), Rule 7.

jority of the full Democratic membership of the House: and provided further, that no Member shall be bound upon questions involving a construction of the Constitution of the United States or upon which he made contrary pledges to his constituents prior to his election or received contrary instructions by resolutions or platform from his nominating authority.

The rule permitting decisions of the caucus in some instances to bind all Democratic Members is one of long standing.⁽³⁾ It has been applied to permit the caucus to issue directives to Democratic members of House committees with respect to disposition of matters under consideration,⁽⁴⁾ and to assure party members' support of party positions taken with respect to issues before the House.

In the 92d Congress, the following remarks were made with reference to a caucus decision regarding the right of the minority to funds for staffing:⁽⁵⁾

3. See 8 Cannon's Precedents §§3605, 3609. For recent changes in the caucus rules, and the current practice, see supplements to this edition.
4. See discussion in Galloway, George B., *History of the House of Representatives*, Thomas Y. Crowell (New York, 1961), pp. 137, 140.
5. 117 CONG. REC. 44, 92d Cong. 1st Sess., Jan. 21, 1971. For other remarks of a similar nature relating to the unit rule of the caucus, see 117 CONG. REC. 433, 434, 92d Cong. 1st

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, the act of the Democratic caucus binding Democratic Representatives to vote for repeal of the minority staffing provision which we enacted into law last fall is a shocking breach of faith . . . [U]nder the rules of the Democratic caucus, as they have been explained to me, all Members of the Democratic Party are bound to vote to repeal the minority staffing provisions. Debate cannot change their votes. Neither can their consciences nor senses of fairness change their votes. . . .

Cannon quotes remarks of Speaker Champ Clark, of Missouri,⁽⁶⁾ made in 1913 when the caucus rules were substantially as they are now,⁽⁷⁾ to the effect that caucus action taken by a two-thirds vote is not binding on constitutional questions or "matters of conscience or where a Member has made promises or pledges in his campaign for election."

The Republicans do not have a formal rule making the decisions of the conference binding on all Republicans, although a consensus developed in the conference is persuasive.⁽⁸⁾

Sess., Jan. 25, 1971 (remarks of Mr. Benjamin B. Blackburn (Ga.), and related materials, including a copy of the Democratic Caucus Rules inserted in the Record).

6. See Cannon's Precedents 3605.
7. See the caucus rules set forth in 8 Cannon's Precedents §3609.
8. See Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes

In the course of a debate in the 92d Congress over the election of Democratic Members to committees,⁽⁹⁾ the following discussion took place with respect to the existence of a “unit rule” in the Republican Conference and with respect to the views of the Republican Party on the issues before the House:⁽¹⁰⁾

MR. [JOHN] CONYERS [Jr., of Michigan]: . . . [T]he question is, do the minority Members intend to simply ratify the decisions from the majority caucus or are they entitled and obligated to make an evaluatory determination as to what they think is correct regarding who should be the chairmen of the various committees in this 92nd Congress? . . .

MR. GERALD R. FORD [of Michigan]: . . . We do not have a unit rule on our side of the aisle. The Republican Conference does not bind its Members to vote as a majority of the conference decides. As Republicans, we do not dictate to our members.

MR. CONYERS: Then who were you speaking for when you said that your party or your membership was going to ratify the Democratic decisions if you do not have the unit rule?

MR. GERALD R. FORD: Mr. Speaker if the gentleman will yield further, our

(Boston, 1941), p. 35, to the effect that in some instances the Republicans vote as uniformly in support of party positions as do the Democrats.

9. See §9.3, *supra*.

10. 117 CONG. REC. 1712, 92d Cong., 1st Sess., Feb. 4, 1971.

Members will have voted for our nominees for ranking Members on each of the committees . . . we do not think under our political system in America that you, the Democrats, should make decisions for us. We do not think we should become involved in making decisions for your party. . . .

We should not vote against the previous question. That is your decision. We will take care of ourselves when the next resolution is offered.

MR. CONYERS: In other words, the distinguished minority leader leaves to the discretion of every Member on the other side of the aisle the right to review in his own mind the validity of these Democratic Caucus recommendations; is that correct?

MR. GERALD R. FORD: That is correct. Each Member on our side will make up his own mind. As I said a moment ago, we have no unit rule in the Republican Party.

An instance has been cited wherein Republican Members failing to abide by the action of their party caucus were disciplined by removal from committees or reduction in rank.⁽¹¹⁾ The situation described arose at a time when the power over committee assignments resided in the Speaker, and when the caucus was dominated by Speaker Joseph G. Cannon, of Illinois.⁽¹²⁾

11. See 8 Cannon's Precedents §3606.

12. See Congressional Quarterly's *Guide to the Congress to the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 141.